

ALBUQUERQUE IS THE METROPOLIS OF NEW MEXICO AND ALBUQUERQUE IS GROWING. ALBUQUERQUE WILL HAVE A POPULATION OF 50,000 IN THE NEXT TEN YEARS. ALBUQUERQUE IS A GOOD PLACE TO LIVE IN. BOOST FOR ALBUQUERQUE!

# ALBUQUERQUE CITIZEN

"WE GET THE NEWS FIRST"

THE BUSINESS MEN OF ALBUQUERQUE HAVE SUBSCRIBED \$20,000 FOR THE BIG TERRITORIAL FAIR. ALBUQUERQUE HAS HAD TWENTY-SIX FAIRS AND EACH ONE BIGGER THAN THE ONE BEFORE. THE TWENTY-SEVENTH WILL BE A WHOOPER.

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## "GRAFT" INDICTMENTS DECLARED TO BE VOID

Louis Glass and Other Frisco Bribers May Escape Charges at Present.

## QUESTION OF GRAND JURY'S LEGALITY

It Was Continued After Another Panel Had Been Secured, and May Have Been Illegal. Supreme Court to Decide.

San Francisco, July 27.—Whether or not indictments returned by the present grand jury are valid, and whether that body had any legal existence since February, 1907, were seriously questioned in a decision handed down yesterday by Judge Carroll Cook of the superior court. The supreme court will be asked to decide the matter.

Attorneys for the men indicted de-murred to the indictments, arguing that, as the present grand jury was continued in service after a new panel had been drawn and filed, the term of service of the old body had expired.

Some of those indicted, who will be set free by a favorable decision from the supreme court, are: A. K. Detweiler, T. V. Halsey, Louis Glass, Patrick Calhoun, Wm. K. Abbott, Thorn-wail Mulhally, Trevelyan L. Ford, G. H. Elsen, W. J. Brobeck, Joseph E. Green, S. J. Desabla, F. G. Drum, John Martin.

Does Not Affect Schmitz. Should the supreme court decide that the grand jury which returned these indictments is illegal, the decision would not affect the case of Mayor Schmitz, whose indictment was returned at a time when the jury's legality is undoubted. Nor would it affect the case of any other person whose case had been tried without objection having been made to the jury's legality. If a prisoner waives any right, such as his right to object to a jury's legality, he cannot after the case has been tried, bring up that right, according to Judge Cook.

The question as to the legality of the grand jury will be submitted to the supreme court immediately, and it will be decided within a short time. In the meantime, the court will grant continuances in all cases which might be affected by the decision.

## ACTRESS MARRIES OPERA QUEEN'S SON

Denver, Colo., July 27.—It was announced today that Maude Pealy, an actress, was married in this city on July 15, to Hugo L. Sherwin, son of Amy Sherwin, of English grand opera fame, who is dramatic critic on the Denver Republican.

## THREE KILLED IN NAPHA EXPLOSION

Eau Claire, Mich., July 27.—Three lives were lost by the explosion of a car of napha in a Big Four train near here yesterday. The car left the track on a curve and immediately burst into flames. The men killed were stealing a ride. One body was completely consumed.

The cause of the car leaving the track is unknown but it is generally believed to have been due to spreading rails. The trainmen were not injured seriously though the conductor and two brakemen, who were on top of the train at the time of the explosion, were blown to the ground. The force of the shock stopped the rear part of the train and the damage to the rolling stock was not heavy.

The roadbed was entirely destroyed in the neighborhood of the explosion deep holes being blown in the ground and no trace of the car is left except a few warped and burned pieces of iron.

The three tramps, who were killed, had been wined away from the station at the point where the explosion occurred. A trainman told them of the dangerous nature of the car and supposed that they took the warning and he saw the bodies.

STEAMER IS BURNED BUT ALL ARE SAVED. Auburn, N. Y., July 27.—The steamer Frontenac burned on Cayuga lake opposite Farley's Point this afternoon. None of her fifty passengers were drowned. The effects of the passengers and all freight was destroyed.

William Haywood, Secretary-Treasurer Western Federation of Miners



Man whose fate went to jury at Boise at 11:04 this morning.

## STABBER IS PROBABLY SENT TO CHAIN GANG MAN SUBJECT TO EPILEPSY FOR VIOLATING RATE LAW

Berlin Police Do Not Believe Crimes Are Due to Viciousness.

## CRIMINAL MAY NOT RECOLLECT ACTIONS

Berlin, July 27.—The criminal, who yesterday stabbed five little girls on the streets of Berlin, is still at large. The theory that finds the greatest favor among the people is that the man is an epileptic, who probably has recovered his normal condition and is now without any recollection of what he did.

In all parts of the city children are being kept within doors. All policemen, between seven and eight thousand, are doing patrol service today. Five or six suspects, arrested during the night, were released today.

Three of the children who were stabbed are dead, one of them having been found dead. The wounds were identical. A sharp edged knife or scissors blade had been used to slash open their abdomens. Two others were treated in like manner, but may recover.

One of the suspects arrested last night answered the description of a man who had given little girls candy during the day and he was nearly mobbed before the police could get him to jail.

Today comparative quiet reigns but there is a feeling of uneasiness and any one making advances of any kind toward children would probably meet with violence at the hands of the infuriated parents.

The only clue the police have is a sharp scissors blade which was left sticking in a note on a park seat. The note stated that the writer had killed three children.

It is possible that the police may find the criminal if the epileptic theory is correct, as they can easily obtain a list of people subject to that disease, and the real criminal is undoubtedly carrying some evidence of his work in the way of blood on his clothing.

## SEOUL GUARDED BY JAPANESE TROOPS

Seoul, July 27.—Guards have been placed along the railways and regular troops are patrolling all parts of Seoul. The Korean troops and the forces in Kyon Son province attacked the police, destroying seven Japanese dwellings, and injuring six persons today.

## CONTRACT LET FOR LARGEST DRY DOCK

Washington, D. C., July 27.—F. McClellan and company, incorporated of Seattle, Wash., was the lowest bidder today for the construction of the largest dry dock in the country, to be located at Bremerton, Puget Sound. The successful bid was \$1,192,284.

Hau's Father Dying. Karlsruhe, July 27.—The father of Karl Hau, who has been sentenced to death for the murder of his wife's mother, suffered a stroke of apoplexy today, and lies in a critical condition.

## HAYWOOD'S FATE GIVEN TO JURORS AT 11:04 A. M.

Judge Wood Instructed Jury at Opening Session of Court This Morning.

## BOTH SIDES WERE WELL SATISFIED

He Dwelt at Length on "Reasonable Doubt" Question and Admissibility of Evidence of Alleged Accomplice Harry Orchard.

Boise, Idaho, July 27.—Judge Fremont Wood today delivered his charge to the jury into whose keeping was given the fate of William D. Haywood, secretary-treasurer of the Western Federation of Miners, charged with the murder of former Governor Frank Steunenberg, of Idaho. He gave the jury the choice of five verdicts: Murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter and not guilty.

Judge Wood dwelt at length on the laws of conspiracy and the value of the evidence given by an accomplice. The charge was regarded by both sides as eminently fair. If anything, it was one consensus of opinion that the court leaned to the defense.

Judge Wood completed his charge at 10:59 o'clock. The court room was cleared at 11 and at 11:04 the jury retired. A recess until 2 p. m. was then taken.

Won't Consider Adams. Judge Wood at the outset thanked the jurors for "the attentive manner" in which they performed their duty. He instructed the jury not to consider evidence bearing on the connection of Steve Adams with the crimes committed in northern Idaho, and the evidence introduced by the defense regarding the deportations in Colorado, and the employment of Pinkerton detectives by the mine owners, on the ground that no proper connection with the case on trial had been made in either case.

Beyond Reasonable Doubt. After quoting and explaining the indictment on which Haywood was arrested, Judge Wood said: "The court instructs the jury that under the law no jury should convict a citizen of any crime simply because there is a strong reason to believe that he is guilty, but before the jury can lawfully convict, they must be convinced of the defendant's guilt beyond all reasonable doubt. If it is possible for you to reconcile the facts in this case on any reasonable theory, you must do so. It is your duty to do so and find the defendant not guilty."

Evidence Excluded. After instructing the jury that the proof of other crimes than the murder of Governor Steunenberg had been admitted only for the purpose of showing conspiracy to accomplish certain objects, Judge Wood continued: "It makes no difference, however, in this case what crimes have been committed in Colorado, in Coeur d'Alene or elsewhere, or who is responsible for the commission of such crimes, if any there be, but the defendant cannot be convicted unless the state has established beyond a reasonable doubt that he is guilty of the felonious killing of Frank Steunenberg."

Nature of Conspiracy. Judge Wood explained the nature of the proofs necessary to establish the charge of conspiracy and said: "It is not essential to the formation of a conspiracy that there should be a formal agreement between the parties to do the act charged. It is sufficient if the minds of the parties meet understandingly so as to bring about an intelligent and deliberate agreement to do such acts, or commit the crimes charged, although the agreement be not manifested by any formal words."

If you believe, in this case, from the evidence, that the defendant, advised, abetted, aided, abetted, encouraged the killing of Frank Steunenberg, then the defendant is guilty, and it would be immaterial whether he was actually present at the time of the killing or not."

Testimony of Accomplice. "The law views with distrust the testimony of an accomplice on account of the motive he may have for laying the responsibility for his crime upon another, when, by so doing, he may secure immunity for his own participation in the crime charged. For this reason the law exacts corroboration, and although the jury may believe that the testimony of the accomplice is true, still the jury could not convict the defendant on such testimony unless they further find that the testimony of the accomplice is corroborated by other and independent evidence."

Corroborative Evidence Necessary. "This corroborative evidence need not be sufficient of itself to establish the guilt of the defendant, but it must tend in some degree to implicate and connect the defendant with the commission of the crime charged."

In order to ascertain whether or not the testimony of an accomplice is corroborated as the law provides it must be, before conviction would be warranted, you should eliminate from the case, the evidence of the accomplice, and examine the evidence of the other witnesses with a view to ascertaining if there be evidence tending to connect the defendant with the offense. If there is, the ac-

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Orchard, Principal Witness Against William Haywood



Man Whose Testimony Was Relied Upon by Prosecution to Prove Conspiracy.

## KAISER'S FOURTH SON ENGAGED TO A PRINCESS

August William Will Marry Alexandra of Schleswig-Holstein.

## BOTH YOUNG PEOPLE POPULAR IN GERMANY

Berlin, July 27.—The most recent royal engagement in Europe announced is that of the German emperor's fourth son, Prince August William, who is to marry Princess Alexandra of Schleswig-Holstein (Glücksburg branch), the princess's mother belonging to the Augustean-



AUGUST AND ALEXANDRA.

burg or senior line. The prince was born Jan. 26, 1887, while his fiancée was born April 21, 1887. Prince August William, while not the crown prince by several degrees, is one of the best liked young men here of the royal family. He inherits his father's impulsive disposition in a great degree, but without the parent's energetic disregard of the personal feelings of others. On the contrary, the young prince is one of the most kindly disposed of young Germans.

The wedding will be one of the most royal affairs ever witnessed, despite objections from both the contracting parties, who prefer a quiet ceremony, without undue ostentation.

## SENATOR PETTUS OF ALABAMA DYING

New York, July 27.—A telegram from Hot Springs, N. C., received today, states that United States Senator Edmund W. Pettus, of Alabama, is dying. He became unconscious at the breakfast table yesterday and has since remained unconscious.

Physicians pronounce his case hopeless and say the end may come at any moment.

## BRITISH BATTLESHIP SUCCESSFULLY LAUNCHED

Portsmouth, England, July 27.—The battleship Belsham, another of the Dreadnaught class with a tonnage of 18,000, was launched here this afternoon.

## ARRESTED FOR KILLING LOUIS PADILLA IN 1901

Man Supposed to be Benjamin Lopez Is Held in Southern City.

## CRIME COMMITTED AT LOS PADILLAS

Victim Was Shot Down Near Saloon and Slayer Escaped But Has Constantly Been Trailed by Officers Since.

A man has been arrested in the southern part of the territory who is supposed to be Benjamin Lopez, who killed Louis Padilla, six years ago at Los Padillas in this county. A message was received at the Bernadillo county sheriff's office late yesterday afternoon stating that a man, who answered the description of the assassin, had been arrested and is being held by the authorities to await the pleasure of Sheriff Armijo. A message was immediately sent last night by Under Sheriff Egan giving a detailed description of Lopez, but up to 4 o'clock this afternoon no answer had been received and consequently it is not known yet that the right man has been caught.

The Killing. Benjamin Lopez killed a boy named Louis Padilla about six years ago at Los Padillas in this county. The crime was one of the most cold blooded ever committed in the territory. It seems that Lopez had been accused of stealing some cattle belonging to an uncle of Padilla, and that the lad had discovered the theft and was about to inform his uncle. The boy was the only one who knew about the theft. Meeting Padilla at a saloon Lopez walked away from the place to a distance of about three hundred yards, with him and shot him down. Lopez made his escape and has eluded justice ever since in spite of all efforts to apprehend him.

Chasing Chances. For the last eight months the sheriff of this county has been chasing down one clue after another and now it is supposed that the man has been caught. At intervals in all the time since the disappearance of Lopez, false clues have been followed. It has been received from different parts of the southwest that the fugitive had been seen on various occasions, but never was the man caught. It was either discovered that an innocent party had been suspected or that the man disappeared before he could be captured.

But few other criminals in the territory have led the police such a chase as has Lopez. In the capture of the man now held for identification the police have rendered valuable assistance. The man under arrest is known by another name than Lopez but it is supposed to be an assumed name. He has lived in the place several years and his arrest was due to information imparted by one who was an intimate acquaintance.

Until it is learned positively that the right man has been captured the authorities will not give out the name of the prisoner or the place where he was caught. In the event of the prisoner proving to be Benjamin Lopez, a deputy sheriff will immediately go after him and bring him to Albuquerque, where he will have to stand trial on the charge of murder and also cattle stealing.

## HIDE DAUGHTERS OF MAGILL IN CLINTON

Clinton, Ill., July 27.—Margaret Magill, the 17-year-old daughter of Fred H. Magill, reported missing in California, is now hidden in Clinton, near Clinton. She gave out a statement today through her father's lawyers declaring Magill and his bride, Fay Graham Magill, did not murder her mother, Mrs. Pat Magill, but that the latter committed suicide.

## DOCK WORKERS WILL REMAIN ON STRIKE

Duluth, Minn., July 27.—All hope of an immediate settlement of the dock workers' strike here appears to be at end. At a meeting of the strikers today Mayor Cullom read the answer of the United States Steel corporation to the communication of the strikers.

The company refuses to treat with the men as a union and asks the men to go back at the old scale of wages and on "the open shop" plan.

Asphyxiated by Gas. Pueblo, Colo., July 27.—William M. Gray, employed at blast furnace D at the steel works, was asphyxiated by poisonous gases today.